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FROM:

Kristen R. Paris

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Rei	ssue Application of: THOMAS J. SHAW	w w w	
For Reissue	of U.S. Patent 5,810,775 Issued September 22, 1998 Serial No. 08/862,849	n en en en e	Group Art Unit: 3763
Filing Date:	September 19, 2000	8 8	Examiner: Rodriguez
Serial No.:	09/665,634	\$ &	
For	CAP OPERATED RETRACTABLE MEDICAL DEVICE	360	

## PROPOSED ISSUES TO BE DISCUSSED IN INTERVIEW

This paper sets forth the issues to be discussed during the personal interview with Examiner Cris L. Rodriguez scheduled to take place on July 13, 2004 at 10:00 AM EDT.

At the interview, the Applicant, through its counsel, would like to discuss the final rejection of independent claims 32 and 47. Claim 32 currently reads:

- 32. A cap operated retractable medical device, in combination comprising: a hollow body having a front end portion and an open back end;
- a closeable cap associated with the hollow body which closes the open back end of said body by the action of closing the cap;
- a retractably mounted needle being releaseably held by a hollow movable member which is operated by the action of closing the cap to release the needle; and

the needle being retracted into the hollow movable member by the action of closing the cap, the needle being retained within said movable member thereby preventing needle sticks.



#### Claim 47 currently reads:

47. In a medical device having a tubular outer body with an open end, a needle retraction body disposed opposite the open end, and a movable member slidable axially in the outer body, the improvement comprising a cap mounted to the outer body to close the open end and thereby initiate retraction of a needle into the tubular outer body by operation of the retraction body.

More specifically, Applicant would like to discuss the rejection of claims 32 and 47 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,385,551 to Shaw, and the Examiner's suggestion to add additional language to both claims.

Applicant would also like to discuss whether the Supplemental Information Disclosure Statement mailed on April 13, 2004 will be considered and entered.

Respectfully submitted,

Kristen R. Paris

Registration No. 52,092

Date: July 9, 2004 LOCKE LIDDELL & SAPP LLP 2200 Ross Avenue, Suite 2200 Dallas, TX 75201-6776 (214) 740-8678 (214) 740-8800 (fax)

Thank you for your time and Mook forward to meeting you.

Kristen